IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 8448 of 2005

Between:

Bontha Pedda Purushottam Rao, R/o. Kancharagunta, Durgimandalam, Guntur district.

..... PETITIONER

AND

1 The Station House Officer, Durgimandalam, Guntur District.
2 The Supreintendent of Police, Guntur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Habeas Corpus directing the Respondents herein to produce Bontha Venkateswarulu, son of the Petitioner herein R/o. Kanchagunta Village, Guntur before this Hon'ble Court who was illegally taken away by the Police Personnel on 1/2-04-2005 at midnight and set him at liberty forthwith and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:PETITION

Counsel for the Respondents : THE ADVOCATE GENERAL

The Court made the following Oral Order: (per Sri B. Sudershan Reddy,J)

In the affidavit filed by the Sub-Inspector of Police, Durgi Police Station, Guntur District, in response to the show cause notice issued in this Writ of Habeas Corpus, it is inter alia stated that the alleged detenu was not required by Durgi Police in connection with any offence. As such, it is denied that the alleged detenu was taken away by the police on the intervening night of 1/2-4-2005.

It is further stated that on receiving communication from the Office of the learned Advocate General, necessary enquiries were made on 22.4.2005, during which it was found that the alleged detenu was with his parents. The statements of the parents were recorded which were made available for our perusal. The Sarpanch of Kancharagunta Village recorded the statement of the alleged detenu, which is also made available for our perusal.

In such view of the matter, it cannot be said that the respondents have detained the allege detenu illegally. No Writ of Habeas Corpus as prayed for lies. The writ petition shall accordingly stand closed.

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B. SUDERSHAN REDDY,J

27th April, 2005

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C.V. RAMULU,J

pnb

To

1 The Station House Officer, Durgimandalam, Guntur District.

2 The Superintendent of Police, Guntur District.

3 Two C.Cs. to the Advocate General, High Court Buildings, Hyderabad. (OUT)

4 2 C.D. copies